



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
AIR AND RADIATION

DEC - 5 1986

MEMORANDUM

SUBJECT: Application of August 7, 1986 Policy on LST Schedules  
in Consent Decrees

FROM: Steve Hite, Chief. *SH*  
Regional Programs Section

TO: VOC Compliance Workgroup

I would like to share with you an example of how the August 7 LST policy was applied to a recent Region V consent decree. A source that coats the inside of metal drums plans to comply with the VOC SIP by using low solvent coatings in combination with a new application process. The proposed consent decree schedule allows more than three months to install and adjust the new application equipment.

The source has two coating lines which have been in violation of the standard. EPA issued a notice of violation on July 29, 1983 and filed the complaint against the source on August 19, 1985. In July 1986 the source installed paint heaters and new applicators on one coating line and conducted tests which demonstrated that this technology could be used to apply low solvent coatings to the drum interiors. However, it took more than three months to complete the installation of the new equipment and make the necessary adjustments. The source has proposed a schedule for installing the paint heaters and new applicators on the second coating line which would bring the ~~second~~ coating line into compliance by February 28, 1986. The question presented was whether this proposed schedule violates the August 7 LST Policy.

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The August 7 LST Policy states that LST schedules can provide no more than three months from the date of filing of the complaint for a source to demonstrate compliance using complying coatings. The intent of the policy is to include the time to make process changes within the three months allowed to find and use complying coatings. As you will recall, we reaffirmed this intent at our recent Atlanta meeting.

However, given the facts of this case, SSCD and OECM-AED management decided that the proposed longer compliance schedule would be acceptable, provided that it contains interim milestones and stipulated penalties for failure to meet them. The decisive fact which led to this result was that the source had already demonstrated that the process changes, in conjunction with the low solvent coatings, would work and would allow the source to comply with the applicable SIP limit.

In this case, the source has conclusively demonstrated that it can comply with the SIP by using LST and a process change both sooner and at less cost than by installing pollution control equipment. Under these circumstances, it would be unreasonable for EPA to insist that the source install incinerators or carbon adsorption systems instead of installing paint heaters and associated new coating application equipment. Such a position would be indefensible at trial.

This result is consistent with the primary purpose of the LST policy which is to require sources to comply as expeditiously as possible by the use of demonstrated technology.

If you have any questions please call me at 382-2829 or Tracy Gibson in OECM-AED at 382-2842. Please share this memorandum with your management and Regional Counsel.

cc: John Rasnic, SSCD  
Mike Alushin, OECM-AED  
Tracy Gibson, OECM-AED